

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELIZABETH ROMAIN, et al.,

Plaintiffs,

v.

NORMAN SEABROOK, et al.,

Defendants,

and

COBA ANNUITY FUND, et al.

Nominal Defendants.

Civil Action No. 1:16-cv-08470 (JPO)

**REQUEST TO CLERK FOR  
CERTIFICATION OF DEFAULT  
PURSUANT TO FED. R. CIV. P. 55(a)  
AND L. R. 55.1 AND AFFIDAVIT OF  
DEFAULT**

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF NEW YORK    )

JEFFREY M. NORTON, being duly sworn, deposes and says:

1. I am a member of the firm Newman Ferrara LLP, attorneys for the Plaintiffs in this action, and make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of Plaintiffs' application for the entry of a default judgment against Defendant Norman Seabrook. This affidavit is based upon my personal knowledge, the Plaintiffs' records, and the records of this Court.

2. Plaintiffs, active and retired corrections officers and members of the Corrections Officers Benevolent Association ("COBA"), bring this action derivatively, on behalf of the COBA Annuity Fund and the COBA General Fund against Norman Seabrook and others for

breach of fiduciary duty, unjust enrichment, and violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1962, *et seq.*, and directly, for an equitable accounting and an accounting pursuant to the Labor Management Reporting and Disclosure Act ("LMRDA"), 29 U.S.C. § 501(b).

3. Defendant Seabrook is not a minor, mentally incompetent nor in the military service of the United States.

4. This action was commenced on October 31, 2016, by the filing of the Complaint. (Dkt. No. 1)

5. On January 5, 2017, Defendant Seabrook executed a waiver of the service of summons which provided for 60 days from November 1, 2016, in which to respond to the Complaint (*i.e.*, January 2, 2017). (Dkt. No. 53)

6. Thereafter, on January 12, 2017, attorney Nathaniel Z. Marmur, on behalf of Norman Seabrook, filed a Notice of Appearance. (Dkt. No. 60)

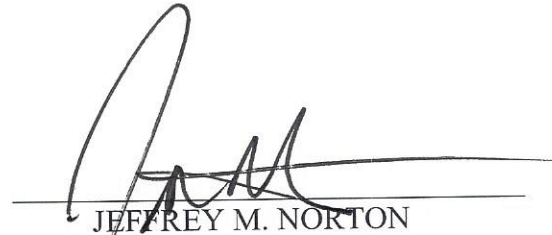
7. On January 30, 2017, the Court entered an order on various Defendants' motions for an extension to file a response to the Complaint (Dkt. Nos. 66 and 67), and ordered that all Defendants must answer or move no later than March 1, 2017. (Dkt. No. 70). While Norman Seabrook was not one of the movants for an extension of time, Plaintiffs expected, based on the Court's order, that he would likewise respond to the Complaint by March 1, 2017.

8. Norman Seabrook did not respond to the Complaint on or before March 1, 2017.

9. As of this date, Norman Seabrook has yet to answer or moved to dismiss the Complaint, and has not sought any extension to do so.

10. Norman Seabrook is in default.

WHEREFORE, Pursuant to Fed. R. Civ. P. 55(a) and L.R. 55.1, Plaintiffs respectfully request that the Clerk of Court issue a Certificate of Default against Defendant Norman Seabrook.



JEFFREY M. NORTON

Sworn to before me this  
8th day of March, 2017



Notary Public

ROMAN GRUTMAN  
Notary Public, State of New York  
No. 02GR6217717  
Qualified in New York County  
Commission Expires February 22, 2018

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 8, 2017, I electronically filed the foregoing Request to Clerk for Certification of Default Pursuant to Fed. R. Civ. P. 55(a) and L. R. 55.1 and Affidavit of Default with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Jeffrey M. Norton  
JEFFREY M. NORTON